

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DERRICK COLEMAN,

Plaintiff,

DECISION AND ORDER

05-CV-6107L

v.

DOCTOR SUTTON M.D.,  
R.N. WELLBURN, sued in their  
individual and official capacities,

Defendants.

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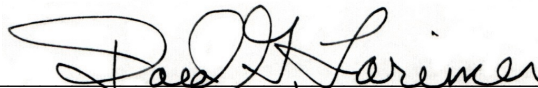
Plaintiff, Derrick Coleman ("Coleman"), proceeding *pro se*, has moved for summary judgment (Dkt. #9). Defendants oppose the motion by letter dated August 2, 2006, on the ground that discovery has not been completed and that plaintiff has not been deposed.

At this time, as to plaintiff's claims, there does appear to be material issues of fact and dispute and, therefore, summary judgment must be denied.

CONCLUSION

Plaintiff's motion for summary judgment (Dkt. #9) is in all respects denied.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York  
September 11, 2006.